

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FERNANDO MORALES, #649220	§	
VS.	§	CIVIL ACTION NO. 9:05cv189
RISSIE OWENS, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Fernando Morales, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against members of the Texas Parole Board regarding their decisions in considering and denying him parole. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who concluded that the complaint should be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. It is specifically noted that Texas prison inmates do not have a protected liberty interest in parole, thus they do not have a basis for a potentially meritorious civil rights lawsuit about parole decisions. *Williams v. Briscoe*, 641 F.2d 274, 277 (5th Cir.), *cert. denied*, 454 U.S. 854 (1981). Due to the absence of a protected liberty interest, Texas prison inmates

“cannot complain of the procedural devices attendant to parole decisions.” *Orellana v. Kyle*, 65 F.3d 29, 32 (5th Cir. 1995). Finally, they do not have a basis for a potentially meritorious civil rights lawsuit against Parole Board members, who are immune from liability for their decisions as members of the Parole Board. *See Hulsey v. Owens*, 63 F.3d 354 (5th Cir. 1995). The Plaintiff’s lawsuit is frivolous and fails to state a claim upon which relief may be granted. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the cause of action is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). All motions by either party not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **8** day of **December, 2005**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge